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TAGS: PREL PGOV PHUM PREF GG RS
SUBJECT: RUSSIA-GEORGIA UPDATE

REF: MOSCOW 11489

Classified By: Charge Daniel A. Russell. Reasons: 1.4(B/D).

¶1. (C) Summary: Arrests and deportations of Georgians accused of violating immigrations laws continue, but no new measures have been enacted against Georgia or against ethnic Georgians living in Russia. No reliable numbers are available for the number of Georgians found not to have legal status in Russia, although in Moscow alone almost 600 detainees have been ordered expelled. The actual deportation process is occurring at an accelerated pace and may lack legal safeguards. Meanwhile, the Federation Council ratified a military bases withdrawal agreement with Georgia which is required to implement the 2005 political agreement between Moscow and Tbilisi to withdraw Russian forces from bases in Georgia. End Summary.

• Profiles in Courage

¶2. (C) Elected officials and other public figures remain hesitant to condemn the discriminatory treatment of ethnic Georgians in Russia. Among the exceptions has been a group of human rights activists, including Moscow Helsinki Group's Lyudmila Alekseyeva and Yelena Bonner, who signed a petition criticizing official moves against Georgia and Georgians and calling on officials not to promote war with Tbilisi. In a letter to religious students, Patriarch Aleksey II stressed that no person could break up "the Russian-Georgian spiritual community" which has a shared history and culture. A Public Chamber member, who heads the anti-corruption subcommittee and has held hearings on the dangers of the gaming business, told us that while Georgian-owned casinos had criminal links, the Public Chamber would not condone an ethnicity-driven approach to a serious socio-economic issue.

• Saakashvili Not Yet PNG'ed

¶3. (C) Legislation that would declare Saakashvili, Georgian MOD Okruashvili and Interior Minister Merabishvili to be persona non grata in Russia and would bar their presence or transit through Russian territory remained stalled in the Duma. The declaration's sponsor, Konstantin Zatulin, who chairs the CIS Committee, reluctantly agreed to return the declaration for a rewrite after some Duma members complained that the text had been drafted in haste and had not been vetted by the Committee. We heard from a Duma staffer that the legislation might be reintroduced by next Wednesday. The declaration apparently does regret "excessive measures" that had been taken against some Georgians by law enforcement officers.

• Military Bases Withdrawal Agreement Ratified

¶4. (SBU) Despite the sharp deterioration in the bilateral

relationship, the Federation Council ratified two Russian-Georgian agreements on October 13 that give official sanction to the bases withdrawal agreement reached between Tbilisi and Moscow in 2005. The Duma had ratified the agreement last week. Withdrawals of military equipment and forces had begun last year under cover of a political joint statement, but the bilateral agreement was legally required to authorize expenditures of funds. However, statements about the agreement either viewed the withdrawal as a loss to Russia or welcomed the move as reducing the number of "hostages" Georgia could hold in the event of a continued deterioration in the relationship.

Expulsions By the Numbers

15. (C) We are working to assemble a more complete picture of the scale of deportations, but hard-and-fast numbers are difficult to come by. A spokesperson for the Moscow courts announced late on October 12 that over the past week the courts have issued administrative expulsion rulings against 598 Georgian citizens, 21 cases had been remanded for further investigation, and two cases had been dismissed. This number included 218 expulsion orders based on a violations of migration legislation on Thursday. Official figures are not available for other jurisdictions. Georgian Embassy Political Counselor George Karalashvili told us that his Embassy was aware of 110 Georgians in detention in Moscow, 42 in St. Petersburg, and over 30 in the Moscow Oblast. Some of these detainees may have already been ordered to be deported and are awaiting transport. An October 14 flight that was to have carried over 100 detainees was canceled, and Karalashvili told us that the flight might now go to Yerevan, with land transport to be provided by the Georgian government

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to Tbilisi.

16. (C) Russian NGO Civic Assistance Chair Svetlana Gannushkina told us that no one has been able to get reliable statistics on the number of Georgians detained, but said her NGO had counted dozens of cases daily. On October 9, it had recorded 72 cases of Georgians being detained. Conditions in detention centers were typically miserable for Russia, with detainees depending on family and friends to supplement the meager rations they received. Civic Assistance had also documented cases of detained Georgians, who were, in fact, legally in Russia. Within the GOR there were few who would question the policy, she said, although Human Rights Ombudsman Lukin and Ella Pamfilova, chair of the Commission on Human Rights and Development of Civil Society, were trying.

17. (C) Zurab Koberidze, the country director for the U.S.-based NGO International Medical Committee and an ethnic Georgian with Tajik citizenship, told us he was keeping a low profile. Authorities had renewed his registration in Russia last week without any problems, but while recently boarding a flight from North Ossetia to Moscow, he was questioned about his status in the country. Police told him they had been ordered to question ethnic Georgians about their visa status.

Koberidze told us that he was concerned enough about the current atmosphere to ask officials at the Federal Registration Service whether his ethnicity might affect the NGO's application for re-registration. They assured him it would not.

Deportation 101

18. (C) The actual deportation process at work here appears to be conducted at an accelerated pace. UNHCR Senior Protection Officer Gang Li told us that no Georgians have approached UNHCR for protection from deportation. Li said in deportation cases where UNHCR has been involved, defendants had the right to legal representation and to appeal the

deportation order in the court system. In most cases, it took two to three months before someone was deported, and he was unsure on what legal basis the GOR was undertaking immediate deportations. Although UNHCR had no direct involvement, it was watching the situation closely in case it evolved into a broader campaign against other ethnic minorities, including asylum seekers and refugees, Li said.

19. (C) An entirely different view of the process was provided by a major in the Moscow Police Criminal Investigation Department, who told us that the police were processing these cases as violations of the section of the Russian Administrative Code regulating legal status in Russia. The detective said that in deportation cases, the detainee could be held for up to 48 hours before being produced in court. During this time, the police would obtain evidence about the person's legal status. The detainee would be given a closed, administrative hearing by a district court judge that would typically last less than 15 minutes. If the judge found that the person lacked legal status, the detainee would be remanded to a holding facility, where the detainee would usually be kept no more than one week before deportation. The police major was not aware of appeals being lodged by Georgian detainees. The Georgian Embassy had heard from some detainees that they did not want to fight the expulsion order and wanted to return to Tbilisi. At the same time, Karalashvili said that legal safeguards such as counsel and interpretation have not always been provided.

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